

109TH CONGRESS
1ST SESSION

S. 56

To establish the Rio Grande Natural Area in the State of Colorado, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2005

Mr. ALLARD (for himself and Mr. SALAZAR) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

A BILL

To establish the Rio Grande Natural Area in the State
of Colorado, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Rio Grande Natural
5 Area Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) COMMISSION.—The term “Commission”
9 means the Rio Grande Natural Area Commission es-
10 tablished by section 4(a).

1 (2) NATURAL AREA.—The term “Natural
2 Area” means the Rio Grande Natural Area estab-
3 lished by section 3(a).

4 (3) SECRETARY.—The term “Secretary” means
5 the Secretary of the Interior.

6 **SEC. 3. ESTABLISHMENT OF RIO GRANDE NATURAL AREA.**

7 (a) IN GENERAL.—There is established the Rio
8 Grande Natural Area in the State of Colorado to conserve,
9 restore, and protect the natural, historic, cultural, sci-
10 entific, scenic, wildlife, and recreational resources of the
11 Natural Area.

12 (b) BOUNDARIES.—The Natural Area shall include
13 the Rio Grande River from the southern boundary of the
14 Alamosa National Wildlife Refuge to the New Mexico
15 State border, extending $\frac{1}{4}$ mile on either side of the bank
16 of the River.

17 (c) MAP AND LEGAL DESCRIPTION.—

18 (1) IN GENERAL.—As soon as practicable after
19 the date of enactment of this Act, the Secretary
20 shall prepare a map and legal description of the
21 Natural Area.

22 (2) EFFECT.—The map and legal description of
23 the Natural Area shall have the same force and ef-
24 fect as if included in this Act, except that the Sec-

1 retary may correct any minor errors in the map and
2 legal description.

3 (3) PUBLIC AVAILABILITY.—The map and legal
4 description of the Natural Area shall be available for
5 public inspection in the appropriate offices of the
6 Bureau of Land Management.

7 **SEC. 4. ESTABLISHMENT OF THE COMMISSION.**

8 (a) ESTABLISHMENT.—There is established the Rio
9 Grande Natural Area Commission.

10 (b) PURPOSE.—The Commission shall—

11 (1) advise the Secretary with respect to the
12 Natural Area; and

13 (2) prepare a management plan relating to non-
14 Federal land in the Natural Area under section
15 6(b)(2)(A).

16 (c) MEMBERSHIP.—The Commission shall be com-
17 posed of 9 members appointed by the Secretary, of
18 whom—

19 (1) 1 member shall represent the Colorado
20 State Director of the Bureau of Land Management;

21 (2) 1 member shall be the manager of the
22 Alamosa National Wildlife Refuge, ex officio;

23 (3) 3 members shall be appointed based on the
24 recommendation of the Governor of Colorado, of
25 whom—

1 (A) 1 member shall represent the Colorado
 2 Division of Wildlife;

3 (B) 1 member shall represent the Colorado
 4 Division of Water Resources; and

5 (C) 1 member shall represent the Rio
 6 Grande Water Conservation District; and

7 (4) 4 members shall—

8 (A) represent the general public;

9 (B) be citizens of the local region in which
 10 the Natural Area is established; and

11 (C) have knowledge and experience in the
 12 fields of interest relating to the preservation,
 13 restoration, and use of the Natural Area.

14 (d) TERMS OF OFFICE.—

15 (1) IN GENERAL.—Except for the manager of
 16 the Alamosa National Wildlife Refuge, the term of
 17 office of a member of the Commission shall be 5
 18 years.

19 (2) REAPPOINTMENT.—A member may be re-
 20 appointed to the Commission on completion of the
 21 term of office of the member.

22 (e) COMPENSATION.—A member of the Commission
 23 shall serve without compensation for service on the Com-
 24 mission.

1 (f) CHAIRPERSON.—The Commission shall elect a
2 chairperson of the Commission.

3 (g) MEETINGS.—

4 (1) IN GENERAL.—The Commission shall meet
5 at least quarterly at the call of the chairperson.

6 (2) PUBLIC MEETINGS.—A meeting of the Com-
7 mission shall be open to the public.

8 (3) NOTICE.—Notice of any meeting of the
9 Commission shall be published in advance of the
10 meeting.

11 (h) TECHNICAL ASSISTANCE.—The Secretary and
12 the heads of other Federal agencies shall, to the maximum
13 extent practicable, provide any information and technical
14 services requested by the Commission to assist in carrying
15 out the duties of the Commission.

16 **SEC. 5. POWERS OF THE COMMISSION.**

17 (a) HEARINGS.—The Commission may hold such
18 hearings, meet and act at such times and places, take such
19 testimony, and receive such evidence as the Commission
20 considers advisable to carry out this Act.

21 (b) COOPERATIVE AGREEMENTS.—

22 (1) IN GENERAL.—For purposes of carrying out
23 the management plan on non-Federal land in the
24 Natural Area, the Commission may enter into a co-

operative agreement with the State of Colorado, a political subdivision of the State, or any person.

(2) REQUIREMENTS.—A cooperative agreement entered into under paragraph (1) shall establish procedures for providing notice to the Commission of any action proposed by the State of Colorado, a political subdivision of the State, or any person that may affect the implementation of the management plan on non-Federal land in the Natural Area.

(3) EFFECT.—A cooperative agreement entered into under paragraph (1) shall not enlarge or diminish any right or duty of a Federal agency under Federal law.

(c) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—The Commission may not acquire any real property or interest in real property.

(d) IMPLEMENTATION OF MANAGEMENT PLAN.—

(1) IN GENERAL.—The Commission shall assist the Secretary in implementing the management plan by carrying out the activities described in paragraph (2) to preserve and interpret the natural, historic, cultural, scientific, scenic, wildlife, and recreational resources of the Natural Area.

1 (2) AUTHORIZED ACTIVITIES.—In assisting
2 with the implementation of the management plan
3 under paragraph (1), the Commission may—

4 (A) assist the State of Colorado in pre-
5 serving State land and wildlife within the Nat-
6 ural Area;

7 (B) assist the State of Colorado and polit-
8 ical subdivisions of the State in increasing pub-
9 lic awareness of, and appreciation for, the nat-
10 ural, historic, scientific, scenic, wildlife, and rec-
11 reational resources in the Natural Area;

12 (C) encourage political subdivisions of the
13 State of Colorado to adopt and implement land
14 use policies that are consistent with—

15 (i) the management of the Natural
16 Area; and

17 (ii) the management plan; and

18 (D) encourage and assist private land-
19 owners in the Natural Area in the implementa-
20 tion of the management plan.

21 **SEC. 6. MANAGEMENT PLAN.**

22 (a) IN GENERAL.—Not later than 4 years after the
23 date of enactment of this Act, the Secretary and the Com-
24 mission, in coordination with appropriate agencies in the
25 State of Colorado, political subdivisions of the State, and

1 private landowners in the Natural Area, shall prepare
 2 management plans for the Natural Area as provided in
 3 subsection (b).

4 (b) DUTIES OF SECRETARY AND COMMISSION.—

5 (1) SECRETARY.—The Secretary shall prepare
 6 a management plan relating to the management of
 7 Federal land in the Natural Area.

8 (2) COMMISSION.—

9 (A) IN GENERAL.—The Commission shall
 10 prepare a management plan relating to the
 11 management of the non-Federal land in the
 12 Natural Area.

13 (B) APPROVAL OR DISAPPROVAL.—

14 (i) IN GENERAL.—The Commission
 15 shall submit to the Secretary the manage-
 16 ment plan prepared under subparagraph
 17 (A) for approval or disapproval.

18 (ii) ACTION FOLLOWING DIS-
 19 APPROVAL.—If the Secretary disapproves
 20 the management plan submitted under
 21 clause (i), the Secretary shall—

22 (I) notify the Commission of the
 23 reasons for the disapproval; and

24 (II) allow the Commission to sub-
 25 mit to the Secretary revisions to the

1 management plan submitted under
2 clause (i).

3 (3) COOPERATION.—The Secretary and the
4 Commission shall cooperate to ensure that the man-
5 agement plans relating to the management of Fed-
6 eral land and non-Federal land are consistent.

7 (c) REQUIREMENTS.—The management plans shall—

8 (1) take into consideration Federal, State, and
9 local plans in existence on the date of enactment of
10 this Act to present a unified preservation, restora-
11 tion, and conservation plan for the Natural Area;

12 (2) with respect to Federal land in the Natural
13 Area—

14 (A) be developed in accordance with sec-
15 tion 202 of the Federal Land Policy and Man-
16 agement Act of 1976 (43 U.S.C. 1712);

17 (B) be consistent, to the maximum extent
18 practicable, with the management plans adopted
19 by the Director of the Bureau of Land Manage-
20 ment for land adjacent to the Natural Area;
21 and

22 (C) be considered to be an amendment to
23 the San Luis Resource Management Plan of the
24 Bureau of Land Management; and

25 (3) include—

1 (A) an inventory of the resources contained
 2 in the Natural Area (including a list of property
 3 in the Natural Area that should be preserved,
 4 restored, managed, developed, maintained, or
 5 acquired to further the purposes of the Natural
 6 Area); and

7 (B) a recommendation of policies for re-
 8 source management, including the use of inter-
 9 governmental cooperative agreements, that—

10 (i) protect the resources of the Nat-
 11 ural Area; and

12 (ii) provide for solitude, quiet use, and
 13 pristine natural values of the Natural
 14 Area.

15 (d) PUBLICATION.—The Secretary shall publish no-
 16 tice of the management plans in the Federal Register.

17 **SEC. 7. ADMINISTRATION OF NATURAL AREA.**

18 (a) IN GENERAL.—The Secretary shall administer
 19 the Federal land in the Natural Area—

20 (1) in accordance with—

21 (A) the laws (including regulations) appli-
 22 cable to public land; and

23 (B) the management plan; and

24 (2) in a manner that provides for—

1 (A) the conservation, restoration, and pro-
2 tection of the natural, historic, scientific, scenic,
3 wildlife, and recreational resources of the Nat-
4 ural Area;

5 (B) the continued use of the Natural Area
6 for purposes of education, scientific study, and
7 limited public recreation in a manner that does
8 not substantially impair the purposes for which
9 the Natural Area is established;

10 (C) the protection of the wildlife habitat of
11 the Natural Area;

12 (D) a prohibition on the construction of
13 water storage facilities in the Natural Area; and

14 (E) the reduction in the use of or removal
15 of roads in the Natural Area and, to the max-
16 imum extent practicable, the reduction in or
17 prohibition against the use of motorized vehicles
18 in the Natural Area (including the removal of
19 roads and a prohibition against motorized use
20 on Federal land in the area on the western side
21 of the Rio Grande River from Lobatos Bridge
22 south to the New Mexico State line).

23 (b) CHANGES IN STREAMFLOW.—The Secretary is
24 encouraged to negotiate with the State of Colorado, the
25 Rio Grande Water Conservation District, and affected

1 water users in the State to determine if changes in the
2 streamflow that are beneficial to the Natural Area may
3 be accommodated.

4 (c) PRIVATE LAND.—The management plan prepared
5 under section 6(b)(2)(A) shall apply to private land in the
6 Natural Area only to the extent that the private landowner
7 agrees in writing to be bound by the management plan.

8 (d) WITHDRAWAL.—Subject to valid existing rights,
9 all Federal land in the Natural Area is withdrawn from—

10 (1) all forms of entry, appropriation, or disposal
11 under the public land laws;

12 (2) location, entry, and patent under the mining
13 laws; and

14 (3) disposition under the mineral leasing laws
15 (including geothermal leasing laws).

16 (e) ACQUISITION OF LAND.—

17 (1) IN GENERAL.—The Secretary may acquire
18 from willing sellers by purchase, exchange, or dona-
19 tion land or an interest in land in the Natural Area.

20 (2) ADMINISTRATION.—Any land or interest in
21 land acquired under paragraph (1) shall be adminis-
22 tered in accordance with the management plan and
23 this Act.

1 (f) APPLICABLE LAW.—Section 5(d)(1) of the Wild
2 and Scenic Rivers Act (16 U.S.C. 1276(d)(1)) shall not
3 apply to the Natural Area.

4 **SEC. 8. EFFECT.**

5 Nothing in this Act—

6 (1) amends, modifies, or is in conflict with the
7 Rio Grande Compact, consented to by Congress in
8 the Act of May 31, 1939 (53 Stat. 785, ch. 155);

9 (2) authorizes the regulation of private land in
10 the Natural Area;

11 (3) authorizes the imposition of any mandatory
12 streamflow requirements;

13 (4) creates an express or implied Federal re-
14 served water right;

15 (5) imposes any Federal water quality standard
16 within or upstream of the Natural Area that is more
17 restrictive than would be applicable had the Natural
18 Area not been established; or

19 (6) prevents the State of Colorado from acquir-
20 ing an instream flow through the Natural Area
21 under the terms, conditions, and limitations of State
22 law to assist in protecting the natural environment
23 to the extent and for the purposes authorized by
24 State law.

1 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated such sums
3 as are necessary to carry out this Act.

4 **SEC. 10. TERMINATION OF COMMISSION.**

5 The Commission shall terminate on the date that is
6 10 years after the date of enactment of this Act.

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